

House Bill 1010

By: Representatives Fleming of the 121st, Powell of the 171st, Willard of the 51st, Meadows of the 5th, and Welch of the 110th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 33 of Title 36 of the Official Code of Georgia Annotated, relating to
2 liability of municipal corporations for acts or omissions, so as to revise provisions relating
3 to immunity of municipal corporations; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 33 of Title 36 of the Official Code of Georgia Annotated, relating to liability of
8 municipal corporations for acts or omissions, is amended by revising Code Section 36-33-1,
9 relating to immunity from liability for damages, waiver of immunity by purchase of liability
10 insurance, and liability for acts or omissions generally, as follows:

11 "36-33-1.

12 (a) Pursuant to Article I, Section II, Paragraph IX and Article IX, Section II, Paragraph IX
13 of the Constitution of the State of Georgia, the General Assembly, except as provided in
14 this Code section and in Chapter 92 of this title, declares it is the public policy of the State
15 of Georgia that there is no waiver of the sovereign immunity of municipal corporations of
16 the state, and such municipal corporations shall be immune from liability for damages to
17 the same extent that counties are immune. A municipal corporation shall not waive its
18 immunity by the purchase of liability insurance, except as provided in Code Section
19 33-24-51 or 36-92-2, or unless the policy of insurance issued covers an occurrence for
20 which the defense of sovereign immunity is available, and then only to the extent of the
21 limits of such insurance policy. ~~This subsection shall not be construed to affect any~~
22 ~~litigation pending on July 1, 1986.~~

23 (b) Municipal corporations shall not be liable for failure to perform or for errors in
24 performing their legislative or judicial powers. For neglect to perform or improper or
25 unskillful performance of their ministerial duties, they shall be liable to the same extent that
26 counties are liable, and they shall be immune to the same extent that counties are immune."

27

SECTION 2.

28 All laws and parts of laws in conflict with this Act are repealed.